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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

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|------------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | Case Number: CR 05 1849 JH |
| Plaintiff, |) | UNOPPOSED |
| v. |) | MOTION TO EXTEND TRAVEL |
| DANA JARVIS, <i>et al.</i> , |) | |
| Defendants. |) | |

Defendant SWENTNICKAS hereby moves the Court to permit him to extend his previously approved travel itinerary to permit him to be present for his father's birthday. His previously submitted travel itinerary will remain the same except that he will return on August 28, 2007. This Motion is made pursuant to 18 U.S.C.A. sec. 3142 *et seq.*, and 18 U.S.C.A. 3145 *et seq.* and is supported by the accompanying Memorandum of Points and Authorities and proposed form of Order. Pursuant to D.N.M.LR-Cr. 47, the terms and conditions of release set forth in the proposed form of Order have been approved by counsel for the United States, James Braun, and Pretrial services and this Motion has their concurrence. Submitted this 30th day of July, 2007.

S/

GREGORY D. D'ANTONIO
Attorney for Defendant Swentnickas

MEMORANDUM OF POINTS AND AUTHORITIES

I.
BACKGROUND FACTS

Thomas Benjamin Swentnickas, a single man, was previously ordered released from pre-trial confinement by this court. He is currently residing in Tucson, Arizona with his brother in law and his sister Marie Higgins. He is employed by his brother in law in his Native art business. In his unopposed motion to set conditions of release, the Defendant notified the court of his desire to pay his last respects to his father who is elderly and infirm.

In that regard, the Defendant requested permission to travel during the Christmas holidays to Connecticut and New York to visit is father and relatives from pre-trial services who agreed to his request. He also submitted his request to AUSA James Braun who also agreed to the request. The Court granted the request and the Defendant was able to visit with his father and family over the Christmas holidays. Traditionally the Defendant has also visited his father during the summer months during which time he also performs all needed maintenance to his father's home . This court approved his unopposed motion to travel for the summer to be with his father. The Defendant wishes to extend his travel tome to allow him to celebrate his father's birthday with his father. Accordingly, the Defendant requests permission to extend his travel through and including August 28, 2007 otherwise in accordance with the previously submitted itinerary.

II.

THE BAIL REFORM ACT PERMITS
THE COURT TO SET APPROPRIATE
CONDITIONS OF RELEASE

The court has broad latitude in setting conditions of release to include travel restrictions pursuant to 18 U.S.C. 3142 *et seq.* This Defendant has previously been granted release and only requires that the court modify the travel restrictions to permit the requested visits. 18 U.S.C.A. 3142 9 c .

Based upon the foregoing, the Defendant requests that the court enter an order permitting travel in accordance with the itinerary submitted herewith in accordance with the proposed form of Order submitted with this Unopposed Motion.

S/_____
GREGORY D. D'ANTONIO
Attorney for Defendant Swentnickas

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2007, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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